

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE ROBERT LEE ERWIN-EL

Case No. 13-mc-50289

HON. MARK A. GOLDSMITH

ORDER OF DISMISSAL

This matter is before the Court on Erwin-El's response (Dkt. 6) to the Court's order to show cause. Erwin-El, proceeding pro se, originally filed several documents with this Court, which, although written in the English language and styled as legal documents, do not make any sense. It appears that Erwin-El is attempting to revoke "contracts" with the State of Michigan and the United States. The Court's order to show cause explained that the vagueness of the documents failed to implicate this Court's jurisdiction. For example, there was no case, controversy, or injury pled by Erwin-El. Bigelow v. Mich. Dep't of Nat'l Res., 970 F.2d 154, 157 (6th Cir. 1992) (explaining that, for an unripe claim, the court lacks "subject matter jurisdiction and the complaint must be dismissed.").

The order to show cause also ordered Erwin-El either (i) to file a memorandum explaining why he believed there were no defects in his filing or (ii) to file an amended pleading curing the jurisdictional defects outlined in the order. Erwin-El's one-page response, an "Affidavit of Facts," merely states that "I am, Moorish Americans, Moor, Your Law said, I can never be a U.S citizen, Persons of African descent cannot be, nor were ever intended to be, citizens under the U.S. Const. Plaintiff is without standing to file a suit, Dred Scott v. Sandford." Resp. at 1 (Dkt. 6).

This response does not identify for the Court any case, controversy, party, or injury. Consequently, the Court has no jurisdiction where, as here, the allegations are “totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” Apple v. Glenn, 183 F.3d 477, 479 (6th Cir. 1999). Lacking subject-matter jurisdiction, the Court shall dismiss the action pursuant to Federal Rule of Civil Procedure 12(h)(3).

Accordingly, the action is dismissed.

SO ORDERED.

Dated: March 25, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 25, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager